

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK

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NOVAGOLD RESOURCES, INC.

Plaintiff,

Index No. 1:20-cv-02875-LDH-PK

- against -

J CAPITAL RESEARCH USA, LLC,

**Reply Declaration of David S. Korzenik  
in Support of Defendant's Motion To  
Dismiss Plaintiff's Amended Complaint**

Defendant.

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**DAVID S. KORZENIK** hereby declares pursuant to 28 U.S.C. § 1746:

1. I am a partner in the law firm Miller Korzenik Sommers Rayman LLP, attorneys for Defendant J Capital Research USA, LLC ("JCap"). I make this Reply Declaration in support of JCap's Motion to Dismiss Plaintiff NovaGold's Amended Complaint.
2. I attach to this Declaration true and correct copies of each of the following documents:
  - a. Krysti Shallenberger, *In Secret Recordings, Pebble Mine Execs Say Donlin Mine Is Too Expensive to Build*, ALASKA PUBLIC MEDIA (Sept. 21, 2020), <https://www.alaskapublic.org/2020/09/21/in-secret-recordings-pebble-mine-execs-say-donlin-mine-is-too-expensive-to-build/> (attached as "**Exhibit A**");
  - b. Henry Fountain, *An Alaska Mine Project Might Be Bigger Than Acknowledged*, N. Y. TIMES (Sept. 21, 2020), <https://www.nytimes.com/2020/09/21/climate/pebble-mine-alaska.html> (attached as "**Exhibit B**");
  - c. Henry Fountain, *Alaska's Controversial Pebble Mine Fails to Win Critical Permit, Likely Killing It*, N. Y. TIMES (Nov. 25, 2020), <https://www.nytimes.com/2020/11/25/climate/pebble-mine-permit-denied.html> (attached as "**Exhibit C**");
3. **Exhibits A, B and C** are a sample of published news articles about Alaska gold mining companies. They show the level of public interest and controversy that Alaskan gold mining businesses, such as Donlin Mine and the Pebble Mine and their planned mines and pipelines engage. That Alaska gold mining businesses draw such a high degree of

public scrutiny and news attention highlights their unavoidable public figure status.

Donlin Mine is second in size to Pebble Mine according to NG documents.

The Court may take judicial notice of them.

I affirm the truth of the statements herein under penalty of perjury.

/s/David S. Korzenik

David S. Korzenik

Dated: February 10, 2021  
New York, NY